

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Attorney Docket No. 17418US02)

In the Application of:

Alexander G. MacInnis

U.S. Serial No.: 10/762,937

Filed: January 21, 2004

For: GRAPHICS DISPLAY SYSTEM
WITH WINDOW DESCRIPTORS

Examiner: BRIER, JEFFERY A

Group Art Unit: 2628

Confirmation No.: 5694

Customer No.: 23446

ELECTRONICALLY FILED
On January 24, 2008

REQUEST FOR RECONSIDERATION OF INFORMATION DISCLOSURE
STATEMENT and LITIGATION STATEMENT PURSUANT TO MPEP § 2001.06(C)

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Page 4 of the Notification of Non-Compliant Appeal Brief mailed on October 25, 2007 states that "[t]he information disclosure statement filed 8/13/2007 fails to comply with 37 CFR 1.97(d) because it lacks a statement as specified in 37 CFR 1.97(e). It has been placed in the application file, but the information referred to therein has not been considered." (Notification of Non-Compliant Appeal Brief of 10/25/07, Page 4, Point 3). This paper is being filed concurrently with a request for continued examination (RCE) pursuant to 37 CFR 1.114, a petition for a two-month extension of time, and a completed PTO form PTO/SB/08A which has six (6) pages. Copies of each printed reference listed in the PTO/SB/08A form were submitted with the information disclosure statement filed on 8/13/2007. Therefore, based on the facts stated above, this paper and attachments are believed to be entitled to consideration under 37 C.F.R. § 1.97.

The owner of record of the present application, Broadcom Corporation, is currently involved in a patent infringement action with Qualcomm, Inc., Case No. 06-CV-0660 B, pending in the Southern District of California.

Pursuant to MPEP 2001.06(c), the Applicants would like to bring to the attention of the U.S. Patent and Trademark Office that the subject matter currently being claimed in the present application may be related to at least one of the patents currently asserted by Broadcom in the above-mentioned lawsuit.

The Applicants have also attached with this electronic submission a completed PTO form PTO/SB/08A which has six (6) pages. Copies of each printed reference listed in the PTO/SB/08A form are attached with this electronic submission. Applicants, however, have not submitted U.S. Patents or other references previously provided to or by the PTO in this application. Zero (0) references are attached in this electronic submission.

The references being submitted have been either cited, produced or relied upon by Qualcomm thus far during the above-mentioned lawsuit. This submission is in no way intended as an admission that the submitted references constitute prior art under any subsection of 35 U.S.C. §102 or §103. Applicant expressly retains the right to argue that any of the cited references are not indeed prior art or to take any actions necessary to remove any of the cited references from the available prior art.

The Examiner is requested to initial the attached PTO/SB/08A and return one copy to the applicants to indicate consideration of the attached references.

No fee is believed to be due because:

- * The applicant(s) believe(s) that this statement and enclosures are being filed before the first Office action on the merits has been mailed by the PTO. The basis of this belief is that no Office action on the merits appears to have been received by the undersigned to date.

The Commissioner is hereby authorized to charge any fees which are presently required, or credit any overpayment, to Deposit Account No. 13-0017.

Respectfully submitted,

Date: January 24, 2008

/Philip Henry Sheridan/

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